IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 2094 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? - : NO

2. To be referred to the Reporter or not? - :

3. Whether Their Lordships wish to see the fair copy of the judgement? - : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? - : NO

5. Whether it is to be circulated to the Civil Judge? - : NO

LEGAL HEIRS OF DECD. ISMAIL SIDIQ SUMARA

Versus

NEW INDIA ASSURANCE CO.LTD.

Appearance:

MR RR TRIVEDI for Petitioners

MS MEGHA JANI for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

SERVED BY RPAD - (R) for Respondent No. 4

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 07/07/2000

ORAL JUDGEMENT

This is an application for transferring Motor Accident Claim Petition No. 524 of 1992 pending before the Motor Accident Claims Tribunal, Baroda, to the Motor Accident Claims Tribunal (Aux.), Gondal, Dist. Rajkot,

on the ground of convenience of the parties.

The notice of rule has been issued to the respondents but they have not filed any reply to rebut the assertions made in this application.

The provisions of Section 166 (2) of the Motor Vehicles Act give liberty to the claimant to get his claim decided by Motor Accident Claims Tribunal in which jurisdiction he is residing or carrying on business. Therefore, it would be just and proper in the facts and circumstances of the case and for the convenience of the parties to transfer Motor Accident Claim Petition No.524 of 1992, pending in the Motor Accident Claims Tribunal, Baroda, to the Motor Accident Claims Tribunal (Aux.), Gondal, Dist. Rajkot.

Accordingly, this application is allowed and Motor Accident Claim Petition No. 524 of 1992 pending before the Motor Accident Claims Tribunal, Baroda is ordered to be transferred to the Motor Accident Claims Tribunal (Aux.) Gondal, Dist. Rajkot, for disposal in accordance with law. Accordingly, Rule is made absolute, with no order as to costs.

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/JVSatwara/